

REQUEST FOR APPROVAL

To: Scott Smithline
Director

From: Howard Levenson
Deputy Director, Materials Management and Local Assistance Division

Request Date: October 17, 2017

Decision Subject: Consideration of Approval of Local Government Representative to Serve on the Mattress Recycling Organization Advisory Committee

Action By: October 23, 2017

Summary of Request:

The Used Mattress Recovery and Recycling Act (Chapter 388, Statutes of 2013) requires the Director of the Department of Resources Recycling and Recovery (CalRecycle) to appoint an advisory committee to be part of a mattress recycling organization. Currently, the Mattress Recycling Council (MRC) is the single mattress recycling organization certified by CalRecycle. CalRecycle previously appointed thirteen members to the advisory committee, but now needs to fill a recent vacancy. Statute does not limit the number of members that may serve on the advisory committee, therefore CalRecycle has discretion to appoint as many individuals as it deems warranted. This Request for Approval presents staff's recommendation to appoint both Jim McHargue and Rebecca Andreassen to the MRC advisory committee as local government representatives.

Options:

1. Appoint both Jim McHargue and Rebecca Andreassen to fill the vacancy in the local government category of the MRC advisory committee.
2. Appoint only Jim McHargue to fill the vacancy in the local government category of the MRC advisory committee.
3. Appoint only Rebecca Andreassen to fill the vacancy in the local government category of the MRC advisory committee.

Recommendation:

Staff recommend Option 1, that the Director appoint both Jim McHargue and Rebecca Andreassen to serve as local government members of the MRC advisory committee per the Used Mattress Recycling and Recovery Act.

Action:

Based on the information and analysis in this Request for Approval, I hereby appoint Jim McHargue and Rebecca Andreassen to serve as local government members of the MRC advisory committee per the Used Mattress Recovery and Recycling Act.

Dated:

10-18-17

Scott Smithline, Director

Attachments:

1. Used Mattress Recycling and Recovery Act Mattress Recycling Organization Advisory Committee Local Government Representative Solicitation and Instructions, available at: <http://www.calrecycle.ca.gov/Actions/PublicNoticeDetail.aspx?id=2197&aiid=2006>

Background Information:

Senate Bill (SB) 254 (Chapter 388, Statutes of 2013) established the Used Mattress Recovery and Recycling Act (Act). The Act requires implementation of the Used Mattress Recovery and Recycling Program to reduce illegal dumping, increase recycling, and substantially reduce public agency costs for the end-of-life management of used mattresses. Senate Bill 1274 (Chapter 371, Statutes of 2014) provided additional clarity regarding definitions, report submittals, and record keeping requirements under the Act.

Mattress manufacturers, via a mattress recycling organization, are required to develop, finance, and implement a convenient and cost-effective program, which is consistent with the state's solid waste management hierarchy, to recover and recycle used mattresses generated in California. CalRecycle certified the Mattress Recycling Council (MRC), a non-profit organization created by the International Sleep Products Association, as a mattress recycling organization on November 5, 2014.

CalRecycle is tasked with specific oversight and enforcement responsibilities that include: reviewing and approving mattress stewardship plans, annual budgets and the mattress recycling charge; reviewing and approving annual reports required from the MRC, mattress recyclers, mattress renovators, and solid waste facilities; and establishing the mattress recycling baseline and goals. Additionally, the Act requires the Director of CalRecycle to appoint an advisory committee to be part of the mattress recycling organization and requires the mattress recycling organization to consult with the advisory committee during specified program activities.

Per Public Resources Code section 42987(a)(3)(A), the advisory committee may be comprised of members of the environmental community, solid waste industry, local government, and public

and private representatives involved in the collection, processing and recycling of used mattresses, and other interested parties.

CalRecycle's Director originally appointed thirteen MRC advisory committee members on March 18, 2014. Since the initial appointment, the advisory committee has held eight meetings and provided consultation to the MRC during the development of the MRC's Plan, Budget, first Annual Report, and implementation of the stewardship program.

A vacancy in the local government category was created in June 2017 when Frank Chin, representing Los Angeles County, left the advisory committee due to a change in occupation and CalRecycle sought to fill the opening.

Duties of Advisory Committee:

- Provide consultation to the MRC pursuant to section 42987(a)(3) of the Public Resources Code:
 - At least once during the development and implementation of the MRC's plan required pursuant to section 42987.1;
 - Annually prior to the MRC's submittal of an annual report required pursuant to section 42990.1; and
 - Annually prior to the MRC's submittal of an annual budget required pursuant to section 42988.
- Prepare a report, which includes a summary of the consultative process between the advisory committee and the MRC during the development of the MRC's plan, as well as any other information deemed pertinent by the advisory committee to maximizing the recovery and recycling of used mattresses in the state.
- Prepare a report that includes a summary of the consultative process between the advisory committee and the MRC relating to the ongoing implementation of the plan, as well as any other information deemed pertinent by the advisory committee to maximizing the recovery and recycling of used mattresses in the state.

Analysis:

Mattress Recycling Council Advisory Committee Selection Process

On September 12, 2017, the public was notified that CalRecycle was seeking applications from the local government category for the MRC advisory committee in a solicitation letter (attachment 1) sent via CalRecycle's mattress stewardship listserv. Stakeholder applications for the MRC advisory committee were accepted by CalRecycle through October 2, 2017. CalRecycle received four applications.

Consistent with the statutory guidance provided in section 42987 of the Public Resources Code, CalRecycle evaluated applicants based on the information provided in their applications, skills, experience related to the statutory duties of the advisory committee, as well as whether or not the applicant was a representative of the local government category.

Other considerations included, but were not limited to, whether the applicants possess:

1) experience serving on other advisory groups/committees; 2) technical or general knowledge and experience in the California mattress recycling/solid waste/materials management industry; and/or 3) knowledge of extended producer responsibility laws or systems.

Public Resources Code § 42987(a)(3)(a) does not limit the number of members that may serve on the advisory committee, therefore CalRecycle has discretion to appoint multiple individuals to ensure sufficient composition and representation. While there is currently only one vacancy, staff recommend two appointments, as both applicants bring unique perspectives that would benefit the advisory committee. Jim McHargue's extensive experience with solving challenges in rural communities combined with Rebecca Andreassen's commensurate experience in the southern region of the state creates a valuable balance in the advisory committee to address the needs and challenges of a statewide mattress recycling program.

Staff recommend the Director appoint Jim McHargue, Air Pollution Control Officer and Director of Solid Waste for Amador County, to the MRC advisory committee pursuant to section 42987(a)(3)(A) of the Public Resources Code based on his status as a representative of the local government category and his extensive knowledge, skills, and experience relevant to the solid waste industry and mattress management. Mr. McHargue has over 20 years of experience in solid waste and recycling and significant experience interfacing with regulatory and local government agencies. Additionally, he serves as the Chair of Rural County Representatives of California's Environmental Services Joint Powers Authority. Mr. McHargue was also involved in starting Amador County's mattress recycling program.

Staff also recommend the Director appoint Rebecca Andreassen, Infrastructure Policy Analyst, Office of the Mayor, City of Los Angeles, to the MRC advisory committee pursuant to section 42987(a)(3)(A) of the Public Resources Code based on her status as a representative of the local government category and her knowledge, skills, and experience relevant to the solid waste industry and mattress management. Ms. Andreassen is the main liaison to the Los Angeles Bureau of Sanitation, focusing on solid waste policies, including the new multi-family and commercial waste hauling system, recycLA. She has extensive knowledge of sustainability and change management. Specifically, she has experience in data collection and analysis, providing feedback and consultation on report development in a timely manner, working collaboratively to troubleshoot program implementation challenges, and program fiscal review.